

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANA LAMBERTH-GREER,
GENERAL GUARDIAN TO
MINOR CHILD DOE,

Case No. 21-cv-10752

Plaintiff,

Paul D. Borman
United States District Judge

v.

FARMINGTON PUBLIC SCHOOLS,
EMILIE LOK JORDAN, ROBERT
HERRERA, and CURRENT
FARMINGTON PUBLIC SCHOOLS
SUPERINTENDENT,

Curtis Ivy, Jr.
United States Magistrate Judge

Defendants.

ORDER

(1) ADOPTING MAGISTRATE JUDGE CURTIS IVY, JR.'S NOVEMBER 18, 2022 REPORT AND RECOMMENDATION (ECF NO. 34);

(2) GRANTING PLAINTIFF'S MOTION FOR CONTEMPT OF NON-PARTY ELM STREET CLINIC (ECF NO. 18);

(3) DENYING AS MOOT WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT ON PLAINTIFF'S MOTION FOR CONTEMPT (ECF NO. 31); AND

(4) ORDERING NON-PARTY ELM STREET CLINIC TO APPEAR BEFORE THIS COURT ON THURSDAY, JANUARY 5, 2023 AT 9:00 A.M. TO SHOW CAUSE WHY IT SHOULD NOT BE HELD IN CONTEMPT OF COURT FOR FAILING TO COMPLY WITH DEFENDANTS' MARCH 28, 2022 SUBPOENA

On November 18, 2022, Magistrate Judge Curtis Ivy, Jr. issued a Report and Recommendation regarding Plaintiff's Motion for Contempt of Non-Party Elm Street Clinic (ECF No. 18) and Plaintiff's Motion for Default Judgment as to Elm

Street Clinic (ECF No. 31), recommending that the Court grant Plaintiff's Motion for Contempt and order non-party Elm Street Clinic to appear before this Court and show cause why it should not be held in civil contempt for failing to comply with Defendants' March 28, 2022 subpoena. (ECF No. 34, Report and Recommendation.) Magistrate Judge Ivy further recommended that the Court deny as moot and without prejudice Plaintiff's motion for default judgment on the motion for contempt. (*Id.*) The Report and Recommendation was personally served on non-party Elm Street Clinic on November 23, 2022, and delivered via US Mail first class mail on November 26, 2022. (ECF No. 36.)

Having reviewed the Report and Recommendation, and there being no timely objections from either party or non-party Elm Street Clinic under 28 U.S.C. § 636(b)(1) and E.D. Mich. L.R. 72.1(d), the Court:

(1) **ADOPTS** Magistrate Judge Ivy's November 18, 2022 Report and Recommendation (ECF No. 34),

(2) **GRANTS** Plaintiff's Motion for Contempt (ECF No. 18),

(3) **DENIES AS MOOT WITHOUT PREJUDICE** Plaintiff's Motion for Default Judgment on Motion for Contempt (ECF No. 31),

(4) **ORDERS** Non-party Elm Street Clinic to appear before this Court, the United States District Court for the Eastern District of Michigan, Southern Division, 231 W. Lafayette Blvd., Detroit, Michigan 48226, Room 717, on **Thursday**,

January 5, 2023 at 9:00 a.m., to show cause why it should not be held in civil contempt for failing to comply with Defendants' properly served March 28, 2022 subpoena as set forth in the facts certified by Magistrate Judge Ivy in his November 18, 2022 Report and Recommendation, a copy of which is attached to this Order as Exhibit A; and

(5) **DIRECTS** Plaintiff to serve this Order on Elm Street Clinic by personal service and U.S. Mail first class, and then file a certificate of service with the Court signifying completion of service by these means.

Failure to appear and show case as directed by this Order will result in a finding of civil contempt.

IT IS SO ORDERED.

Dated: December 19, 2022

s/Paul D. Borman

Paul D. Borman

United States District Judge